

REMARKS—General

The specification has been amended in order to overcome Examiner's objections.

The claims have also been amended to overcome Examiner's objections and rejections such as correcting a typographical error in claim 10 as well as clarifying a term.

Claim rejections 35 USC 112

Claims 6-8 and 10 have been canceled to overcome the 112 rejection.

Claim rejections 35 USC 103

This invention is entitled "forehead clearing apparatus..." because it aims at clearing the forehead since it is found that most of the perspiration emanates from this area which does not benefit from having hair absorbing moisture. Benevento does clearly show that there are a plurality of porous pads (30 to 34) at least one of which, namely pad 30 in fig 2 being clearly positioned on the forehead of a user, this is contrarian to the teachings of this instant invention. Moreover, the pads of Benevento are not wedge shaped in the same way as they are in this instant invention, they are, what could be best defined as tapered across their width but not across their thickness. In Benevento, the tapering is so that, since caps are generally dome shaped, the top of the cap has a smaller diameter than its bottom and therefore in order to fit within a cap, the pads of Benevento need to be tapered, as illustrated, so as to be narrower on top. In this instant invention, the tapering along the thickness is to start the cap

touching the head of a user, more specifically the rim, or headband and then gradually moving the headband away from the user's head so that a spacing occurs in front of the forehead, thus creating the forehead clearing. It is obvious that the tapering in each invention is for totally different purposes not at all related. In the case of Benevento it is out necessity because of the physical constraints of a cap's shape, whereas in this invention, it is a matter of creating a simple yet efficient way of clearing a forehead which does not abruptly change the shape of the headband part.

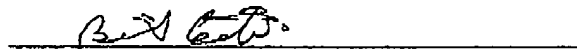
Benevento's invention clearly shows that the forehead is not cleared, that only narrow channels between each pads allow for air circulation. Although one could say that moving the pads of Benevento away from the forehead would indeed clear the forehead, it wasn't Benevento's intention to do so because, surely he would have mentioned it at the time. Moreover, his design is not very well suited to do that, removing the pads would have the headband collapse where no pads are present, so removing the pads from the forehead would have the headband make contact with the forehead, thus defeating the purpose. In this instant invention, the gradual tapered deformation of the headband created by the wedge shaped modules makes the headband adopt an oval shape which prevents any collapsing of the headband on the forehead, much the way that, for example, bending a sheet of paper creates an external bias towards the outside (read, away from the forehead) whereas an annular shape being stretched (here the headband) in, for example, four points will have the circular shape turn into a square (or rectangular) shape, which means that there would be a tendency for the areas in between the four points to collapse (read, move towards the forehead). In the case of Benevento, the space where no pads are present in front of the forehead would make contact with the forehead.

Applicant hopes that he has responded to the Office Action in an appropriate manner.

Requests For Constructive Assistance

The undersigned has made a diligent effort to amend the claims of this application so that they define unobvious structure because it produces new and unexpected results. If for any reasons the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03(d) in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,



Applicant pro se